



ENVIRONMENTAL PROTECTION AGENCY

40 CFR Part 180

[EPA-HQ-OPP-2023-0069; FRL-10579-03-OCSP]

Receipt of a Pesticide Petition Filed for Residues of Pesticide Chemicals in or on Various Commodities March 2023

AGENCY: Environmental Protection Agency (EPA).

ACTION: Notice of filing of petition and request for comment.

SUMMARY: This document announces the Agency's receipt of an initial filing of a pesticide petition requesting the establishment or modification of regulations for residues of pesticide chemicals in or on various commodities.

DATES: Comments must be received on or before [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE *FEDERAL REGISTER*].

ADDRESSES: Submit your comments, identified by docket identification (ID) number EPA-HQ-OPP-2023-0069, through the *Federal eRulemaking Portal* at <https://www.regulations.gov>. Follow the online instructions for submitting comments. Do not submit electronically any information you consider to be Confidential Business Information (CBI) or other information whose disclosure is restricted by statute. Additional instructions on commenting and visiting the docket, along with more information about dockets generally, is available at <https://www.epa.gov/dockets>.

FOR FURTHER INFORMATION CONTACT: Charles Smith, Biopesticides and Pollution Prevention Division (BPPD) (7511M), main telephone number: (202) 566-1400, email address: BPPDFRNotices@epa.gov or Cynthia Giles-Parker, Fungicide Branch in the Registration Division: giles-parker.cynthia@epa.gov main telephone number 202-566-2704. The mailing address for this contact person is Office of Pesticide Programs, Environmental Protection Agency, 1200 Pennsylvania Ave., NW., Washington, DC 20460-0001. As part of the mailing

address, include the contact person's name, division, and mail code. The division to contact is listed at the end of each application summary.

SUPPLEMENTARY INFORMATION:

I. General Information

A. Does this action apply to me?

You may be potentially affected by this action if you are an agricultural producer, food manufacturer, or pesticide manufacturer. The following list of North American Industrial Classification System (NAICS) codes is not intended to be exhaustive, but rather provides a guide to help readers determine whether this document applies to them. Potentially affected entities may include:

- Crop production (NAICS code 111).
- Animal production (NAICS code 112).
- Food manufacturing (NAICS code 311).
- Pesticide manufacturing (NAICS code 32532).

B. What should I consider as I prepare my comments for EPA?

1. *Submitting CBI.* Do not submit this information to EPA through regulations.gov or email. Clearly mark the part or all of the information that you claim to be CBI. For CBI information in a disk or CD-ROM that you mail to EPA, mark the outside of the disk or CD-ROM as CBI and then identify electronically within the disk or CD-ROM the specific information that is claimed as CBI. In addition to one complete version of the comment that includes information claimed as CBI, a copy of the comment that does not contain the information claimed as CBI must be submitted for inclusion in the public docket. Information so marked will not be disclosed except in accordance with procedures set forth in 40 CFR part 2.

2. *Tips for preparing your comments.* When preparing and submitting your comments, see the commenting tips at <https://www.epa.gov/dockets/commenting-epa-dockets>.

3. *Environmental justice.* EPA seeks to achieve environmental justice, the fair treatment

and meaningful involvement of any group, including minority and/or low-income populations, in the development, implementation, and enforcement of environmental laws, regulations, and policies. To help address potential environmental justice issues, the Agency seeks information on any groups or segments of the population who, as a result of their location, cultural practices, or other factors, may have atypical or disproportionately high and adverse human health impacts or environmental effects from exposure to the pesticides discussed in this document, compared to the general population.

II. What action is the Agency taking?

EPA is announcing receipt of a pesticide petition filed under section 408 of the Federal Food, Drug, and Cosmetic Act (FFDCA), 21 U.S.C. 346a, requesting the establishment or modification of regulations in 40 CFR part 180 for residues of pesticide chemicals in or on various food commodities. The Agency is taking public comment on the request before responding to the petitioner. EPA is not proposing any particular action at this time. EPA has determined that the pesticide petition described in this document contains data or information prescribed in FFDCA section 408(d)(2), 21 U.S.C. 346a(d)(2); however, EPA has not fully evaluated the sufficiency of the submitted data at this time or whether the data supports granting of the pesticide petition. After considering the public comments, EPA intends to evaluate whether and what action may be warranted. Additional data may be needed before EPA can make a final determination on this pesticide petition.

Pursuant to 40 CFR 180.7(f), a summary of the petition that is the subject of this document, prepared by the petitioner, is included in a docket EPA has created for this rulemaking. The docket for this petition is available at <https://www.regulations.gov>.

As specified in FFDCA section 408(d)(3), 21 U.S.C. 346a(d)(3), EPA is publishing notice of the petition so that the public has an opportunity to comment on this request for the establishment or modification of regulations for residues of pesticides in or on food commodities. Further information on the petition may be obtained through the petition summary

referenced in this unit.

A. Notice of Filing – New Tolerance Exemptions for Non-Inerts except PIPS

1. *PP 2E9036*. EPA-HQ-OPP-2023-0181. Agri-Organic LLC., P.O. Box 7748 Bloomfield Township, MI 48302, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide, insecticide containing extracts of noni fruit and noni leaves (*Morinda citrifolia*) in or on fruits, vegetables, nuts, field crops and ornamentals. The petitioner believes no analytical method is needed because an exemption from the requirement of a tolerance is proposed. *Contact*: BPPD.

2. *PP 2F9029*. EPA-HQ-OPP-2023-0184. FytoFend, LLC., 2915 Ogletown Road Newark, DE 19713, requests to establish an exemption from the requirement of a tolerance in 40 CFR part 180 for residues of the fungicide, plant regulator containing COS-OGA in or on fruit, vegetables, herbs, and spices. The petitioner believes no analytical method is needed because the concentration of COS-OGA and constituent residues are negligible when compared with what is already naturally present in the environment. *Contact*: BPPD.

B. New Tolerances for Non-Inerts

PP 2F9016. EPA-HQ-OPP-2022-0742. Nippon Soda Co., Ltd c/o Nisso America Inc., 379 Thornall Street, 5th floor Edison, NJ 08837, requests to establish a tolerance in 40 CFR part 180 for residues of the fungicide, ipflufenquin, in or on small fruit vine climbing subgroup except fuzzy kiwi (crop sub-group 13-07F) at 0.80 parts per million (ppm); stone fruit (crop group 12-12) at 0.90 ppm; tree nut (crop group 14-12) at 0.01 ppm; and grape, raisin at 1.50 ppm. The High-Performance Liquid Chromatography with tandem Mass Spectrometric detection (HPLC-MS/MS) and a QuEChERS multi-residue enforcement method with HPLC-MS/MS is used to measure and evaluate the chemical, ipflufenquin. *Contact*: FB

Authority: 21 U.S.C. 346a.

Dated: April 14, 2023.

Delores Barber,

*Director, Information Technology and Resources Management Division, Office of Program
Support.*

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